



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
KAJALBEN JOSHI, LPN	:	
License # 26NP07182700	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kajalben Joshi ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto, having initially been issued that license on October 30, 2014.

2. Upon receipt of information indicating that Respondent was arrested on April 5, 2015 by the members of the Northfield Police Department for violations of N.J.S.A. 2C:35-10A(1) (Possess Controlled Dangerous Substance Or Analog) and N.J.S.A. 2C:36-2 (Possession of Drug Paraphernalia), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal drug matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Galloway, New Jersey, via regular and certified mail on or about April 25, 2015. The regular mailing was not returned. The certified mailing was delivered on April 30, 2015 and the receipt was signed.

3. To date, Respondent has not replied to the Board's requests for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's drug-related arrest raises sufficient concern such that testing, monitoring, evaluation, and treatment are

warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 9, 2015, provisionally suspending respondent's nursing license, requiring respondent to undergo evaluation and monitoring under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP), and imposing a civil penalty in the amount of \$500. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Joshi replied to the Provisional Order and furnished the information and documentation originally requested in the

Board's letter of inquiry. Respondent maintained that she did not respond to the original inquiry because she had not updated her address with the Board, and consequently did not receive it. The Board determined that suspension was no longer applicable, as the information sought had been provided. However, failure to timely advise the Board of a change of address constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.3, and in this instance it led to unnecessary delay and a waste of resources, as the Board was not able to obtain information from its licensee without issuing an order. Thus the \$500 penalty for respondent's failure to cooperate should be reflected upon finalization of the Provisional Order. With respect to evaluation and monitoring under the auspices of RAMP, Ms. Joshi's arrest on drug-related charges (cocaine) indicates that the invocation of N.J.S.A. 45:1-22(f) is warranted, and respondent should be ordered to undergo such evaluation.

ACCORDINGLY, IT IS on this 10th day of February, 2016,

ORDERED:

1. Respondent shall undergo and complete a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program ("RAMP"). Respondent shall contact RAMP and

enroll in and begin participation with RAMP within 30 days of the filing of this order.

2. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

3. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

4. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

5. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon the results of the comprehensive mental health and substance abuse evaluation or any new information the Board receives.

6. Respondent is under a continuing obligation to advise the Board of her status in the Pretrial Intervention Program, shall provide the Board with a copy of the ultimate disposition of the Pretrial Intervention, and shall provide at the time of disposition a narrative statement setting forth the facts and circumstances that led to her arrest.

NEW JERSEY STATE BOARD OF NURSING

By:

Patricia Murphy PhD APN

Patricia Murphy, PhD, APN
Board President